

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CAROLYN FORREST,

Plaintiff,

-against-

UNIFUND FINANCIAL GROUP, INC., UNIFUND AMERICA, INC., RALPH SCOTT BARTER and MURIEL BARTER,

Defendants.

Case No. 04 CV 5151 (LTS)

NOTICE OF MOTION

Upon the accompanying Declaration of Alfred Ferrer III, dated September 29, 2005, and all other filings and proceedings in this action, defendants respectfully move, pursuant to the Order, dated August 23, 2005, of the Honorable Laura Taylor Swain, and the certification pursuant to Paragraph 2.B of the Individual Practice Rules of Judge Swain (which certification is included in the Declaration of Alfred Ferrer III, dated September 29, 2005), for an order:

1. Reinstating defendants' motion to dismiss the amended complaint and for other relief, previously brought by:

Notice of Motion, dated August 12, 2005 (Docket No. 36);

Declaration of Alfred Ferrer III, dated August 12, 2005, with Exhibits 1 through 11 (Docket No. 38); and

Memorandum of Law in Support of Defendants' Motion to Dismiss the Amended Complaint and for Other Relief, dated August 12, 2005 (Docket No. 37);

2. Extending the time for defendants to serve any required responsive pleading to the amended complaint until 10 days after notice of the Court's action on this application for reinstatement of the motion to dismiss, and, if the Court grants such application, until the time

provided by Rule 12(a)(4) of the Federal Rules of Civil Procedure for any such responsive pleading after notice of the Court's action on the motion to dismiss; and

3. For such other and further relief in defendants' favor as the Court determines to be appropriate.

Dated: New York, New York
September 29, 2005

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